

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EBEN ALEXANDER, III, M.D.)	
)	
v.)	C.A. No. 04-10738-MLW
)	
BRIGHAM AND WOMEN'S PHYSICIANS)	
ORGANIZATION, INC., et al.)	

ORDER

WOLF, D.J.

November 15, 2005

For the reasons described in court on November 15, 2005, it is hereby ORDERED that:

1. With the agreement of the parties, the Joint Motion to Impound (Docket No. 30) is DENIED. All filings related to the parties' cross motions for summary judgment shall be part of the public record.

2. Counsel for the parties shall, by December 7, 2005, meet at least one time in person to discuss the possibility of settlement and report to the court whether the case has settled. If the case has not settled, the parties shall report whether it would be helpful to schedule a meeting with the court to discuss the possibility of settlement.

3. By December 14, 2005, the parties shall, if possible, supplement the stipulated facts to address the following for the years 1997, 1998, and 1999:

a) the average compensation of all the employees:

- to whom the UDC plan was offered;
- to whom the FRBP plan was offered;
- who put money in i) the UDC plan; ii) the FRBP

plan;

- who worked for BSG;

b) For the entire period, the number of people and percentage of BSG's employees who put money in:

- a UDC account;
- an FRBP account;

c) Any relevant facts about which the parties agree regarding the genesis of the UDC and FRBP plans and whether the doctors for whom the plans were maintained had bargaining power.

4. The hearing to address the parties' cross motions for summary judgment shall continue on January 13, 2006, at 3:00 p.m.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE